

REMARKS

Claims 1-7 are pending in this application. Applicants have amended claim 1. No new matter has been added.

The Examiner rejected claim 1 under 35 USC 101 because the claimed invention was allegedly directed to non-statutory subject matter. Applicants thank the Examiner for her suggestion and have amended claim 1 to overcome this rejection.

Claim 1 was also rejected under 35 USC 102(b) as being anticipated by O'Sullivan U.S. Patent No. 5,494,043. Claims 2-5 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa U.S. Patent No. 4,844,084 and claims 6 and 7 stand rejected under 35 USC 103(a) as unpatentable over O'Sullivan in view of Yamasawa and Hashimoto U.S. Patent Pub. No. 2004/0010199. Applicants respectfully traverse these rejections.

Amended claim 1 recites a number of elements in combination. A fixing stand is adapted for fixing a living organism in position. A sensor unit is movable with respect to the fixing stand and is adapted to be positioned on the living organism when the living organism is positioned on the fixing stand. The sensor unit includes at least one pressure sensitive part and a pressure part for pressing the pressure sensitive part against the living organism positioned on the fixing stand. A fastening band connects the fixing stand and the sensor unit for fixing the living organism between the fixing stand and the sensor unit. A pressure part control unit controls the pressure part and is characterized in that the pressure part control unit is contained on the fixing stand.

The same combination of elements defined by applicants' claims is neither disclosed nor suggested by O'Sullivan, Yamasawa or Hashimoto, viewed alone or in combination.

First, applicants respectfully disagree with the contention that O'Sullivan discloses the claimed pressure part control unit contained on the fixing stand. O'Sullivan's Figure 6 is cited for support, yet Figure 6 is devoid of any disclosure or suggestion that O'Sullivan's electronics module 60 - shown in Figure 6, and which contains a position indicator and air bubble and cuff inflate/deflate controls - is contained on the fixing stand, as required in the claimed invention. In

fact, nowhere in O'Sullivan's specification or figures is there any disclosure or suggestion that electronics module 60 is contained on wrist stabilizer 50.

Moreover, O'Sullivan's disclosure arguably teaches away from having the pressure part control unit contained on the fixing stand. For example, O'Sullivan's Figure 6 shows electrical cable 76 leading away from the electronics module 60. There is no disclosure or suggestion of module 60 being contained on wrist stabilizer 50. This strongly suggests that O'Sullivan's electronics module 60 is not contained on wrist stabilizer 50. Another example is found in Figure 5, which shows air tube 32 leading away from the wrist stabilizer 50. For O'Sullivan's electronics module 60 to control the air bubble, it must at some point connect with air tube 32. This also strongly suggests that electronics module 60 is not contained on wrist stabilizer 50, as required in the claimed invention.

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. The standard for the anticipation analysis is that "[e]very element of the claimed invention must be literally present, arranged as in the claim. ... The identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1983).

Since O'Sullivan fails to teach every element of claim 1, O'Sullivan fails to anticipate claim 1. Thus, claim 1 is patentable over the O'Sullivan reference. This logic also disposes of the rejection of claims 2-7, which depend directly or indirectly from claim 1. Since the rejections under 35 USC 103(a) also rely on O'Sullivan, they should be withdrawn as well because O'Sullivan does not provide the teachings for which it is cited.

Finally, even if the resulting combinations suggested by the Examiner included all the limitations of claims 2-7, the cited references provide no evidence of a motivation to combine their disclosures so as to arrive at the claimed invention. The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination.

In view of the above, entry of the amendments after final rejection is appropriate as the amendments place the application in condition for allowance or in better form for appeal.

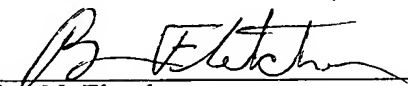
Accordingly, applicants solicit early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 163852020600.

Respectfully submitted,

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